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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,248	11/13/2003	George W. Hager II	16502	2457
50659	7590	09/21/2006	EXAMINER	
BUTZEL LONG DOCKETING DEPARTMENT 100 BLOOMFIELD HILLS PARKWAY SUITE 200 BLOOMFIELD HILLS, MI 48304.			PICO, ERIC E	
			ART UNIT	PAPER NUMBER
			3654	

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/714,248	HAGER, GEORGE W.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Eric Pico	3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/07/2006 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim(s) 1-8, 10, 11, 13-16, and 18 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayrinen U.S. Patent No. 5411117 in view of Darwent et al. U.S. Patent No. 3768597.

4. **Regarding claim 1**, Hayrinen discloses a hydraulic elevator repair safety platform although not a hydraulic elevator repair safety platform for temporary installation on an elevator car per se, Hayrinen has all the structure set forth in the claims. The intended use in the preamble adds no patentable weight to the claims.

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5. Hayrinen discloses a hydraulic elevator repair safety platform comprised of an elongate central beam 12 having a first end and a second end, the beam 12 adapted to be releasably connected to an elevator car 1 during a repair operation and being removed after the repair operation due to tie bolts 17.

6. Hayrinen is silent concerning a guide clamp assembly connected to the beam and adapted to be received by an elevator guide rail system.

7. Darwent et al. teaches a guide clamp assembly 13 connected to a beam 21 and adapted to be received by an elevator guide rail system 25.

8. Darwent et al. further teaches the guide clamp assembly 13 having an actuating arm 87 adapted to be actuated by a downward movement of the elevator car 16, whereby when a central beam 21 is temporarily connected to the elevator car 16 normal operation of the elevator car 16 is prevented and actuation of the actuating arm 87 causes said guide clamp assembly 13 to grip the guide rail system 25, which facilitates immobilization of the elevator car 16.

9. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a guide clamp assembly as taught by Darwent et al. to the central beam of the hydraulic elevator disclosed by Hayrinen to immobilize the elevator car to prevent downward drifts due to hydraulic fluid leaks and provide the elevator car with a safety brake should the car over speed in the downward direction.

10. **Regarding claim 2**, Hayrinen further discloses a first end portion, shown in Figure 2 as the left end portion of the beam attached to the car frame, connected to the first end of the beam 12, shown in Figure 2 as the left end of the beam 12, and a

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second end portion, shown in Figure 2 as the right end portion of the beam attached to the car frame, connected to the second end of the beam 12 shown in Figure 2 as the right end of the beam 12, the first end portion and the second end portion adapted to be connected to the elevator car 1.

11. **Regarding claim 4**, Hayrinen is further silent concerning a guide clamp assembly including a pair of guide clamps.

12. Darwent et al. further teaches the guide clamp assembly 13 including a pair of guide clamps 47.

13. Darwent et al. further teaches one of the guide clamps 47 being connected to the first end of the beam 21 and another guide clamp 47 being connected to the second end of the beam 21,

14. Darwent et al. further teaches the guide clamps 47 adapted to be received by the elevator guide rail system 25, wherein one guide clamp 47 is actuated by the actuating arm 87 and another guide clamp 47 is actuated by another actuating arm 95 to cause the guide clamps 47 to grip the guide rail system 25.

15. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a guide clamp assembly including a pair of guide clamps as taught by Darwent et al. to the central beam of the hydraulic elevator disclosed by Hayrinen to immobilize the elevator car to prevent downward drifts due to hydraulic fluid leaks and provide the elevator car with a safety brake should the car over speed in the downward direction.

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16. **Regarding claim 5**, Hayrinen is further silent concerning a guide clamp assembly including a guide clamp linkage.

17. Darwent et al. further teaches a guide clamp assembly 13 includes a guide clamp linkage 89 linking one actuating arm 87 to another actuating arm 95 to provide a simultaneous actuation the guide clamps 47.

18. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a guide clamp assembly including a guide clamp linkage as taught by Darwent et al. to the central beam of the hydraulic elevator disclosed by Hayrinen to immobilize the elevator car to prevent downward drifts due to hydraulic fluid leaks, provide the elevator car with a safety brake should the car over speed in the downward direction, and facilitate synchronized engagement of the guide clamps.

19. **Regarding claim 6**, Hayrinen is further silent concerning a guide clamp assembly including a safety cable.

20. Darwent et al. further teaches a guide clamp assembly 13 including a safety cable 11 operatively connected to the guide clamp linkage 89 to cause actuation of the actuating arm 87, 95 of each of the guide clamps 47.

21. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a guide clamp assembly including a safety cable as taught by Darwent et al. to the central beam of the hydraulic elevator disclosed by Hayrinen to immobilize the elevator car to prevent downward drifts due to hydraulic fluid leaks and provide the elevator car with a safety brake should the car over speed in the downward direction.

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22. **Regarding claim 7**, Hayrinen further discloses a pair of guide shoes 18 but is silent concerning the guide shoes apart of guide clamps.

23. Darwent et al. further teaches the guide clamps 47 including a pair of guide shoes 23 for engagement with the guide rail system 25.

24. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a pair of guide shoes disclosed by Hayrinen to the guide clamps taught by Darwent et al. to facilitate the guidance of the elevator and guide clamp assembly on the guide rail system.

25. **Regarding claim 8**, Hayrinen further discloses the central beam 12 including a pair of spaced apart channel sections (not numbered but shown in Figure 3) connected by a plurality of rigging members 17.

26. **Regarding claim 10**, Hayrinen discloses a hydraulic elevator repair safety platform although not a hydraulic elevator repair safety platform for temporary installation on an elevator car per se, Hayrinen has all the structure set forth in the claims. The intended use in the preamble adds no patentable weight to the claims.

27. Hayrinen discloses a hydraulic elevator repair safety platform comprised of an elongate central beam 12 having a first end and a second end, the beam 12 adapted to be releasably connected to an elevator car 1 and removed after a repair operation due to tie bolts 17.

28. Hayrinen is silent concerning a pair of guide clamps with actuating arms.

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29. Darwent et al. further teaches a pair of guide clamps 47, each of the guide clamps 47 being connected to an associated one of the first and second ends of a beam 21 and adapted to be received by an elevator guide rail system 25.

30. Darwent et al. further teaches each of said guide clamps 47 having an actuating arm 87 for actuation by a downward movement of the elevator car, whereby when the central beam 21 is temporarily connected to the elevator car 16 normal operation of the elevator car 16 is prevented and the actuation of the actuating arm 87, 95 of each of the guide clamps 47 causes the guide clamps 47 to grip the guide rail system 25 which facilitates immobilization of the elevator car 16.

31. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide guide clamps having actuating arms as taught by Darwent et al. to the central beam of the hydraulic elevator disclosed by Hayrinen to immobilize the elevator car to prevent downward drifts due to hydraulic fluid leaks and provide the elevator car with a safety brake should the car over speed in the downward direction.

32. **Regarding claim 11**, Hayrinen discloses a first end portion and said second end portion, shown in Figure 2, adapted to be connected to the elevator car 1.

33. Hayrinen is silent concerning a first and second end portion disposed between a first and second end of the beam and guide clamps.

34. Darwent et al. further teaches a first end portion disposed between a first end of a beam 21, shown in Figure 5 as the left side of beam 21, and one of the guide clamps 47, and a second end portion disposed between said second end of the beam 21, shown in Figure 5 as the right side of beam 21, and another of said guide clamps 47,



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35. Darwent et al. further teaches the first end portion and said second end portion adapted to be connected to the elevator car 16.

36. It would have been obvious to one of ordinary skill in the art at the time of the invention to dispose the first and second end portion of the beam disclosed by Hayrinen between the first and second end of the beam and guide clamps taught by Darwent et al. to facilitate the connection between the elevator car and the guide clamps.

37. **Regarding claim 13**, Hayrinen is further silent concerning a guide clamp linkage.

38. Darwent et al. further teaches a guide clamp linkage 89 linking the actuating arms 87, 95 to provide a simultaneous actuation of the actuating arms 87, 95.

39. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a guide clamp assembly including a guide clamp linkage as taught by Darwent et al. to the central beam of the hydraulic elevator disclosed by Hayrinen to immobilize the elevator car to prevent downward drifts due to hydraulic fluid leaks, provide the elevator car with a safety brake should the car over speed in the downward direction, and facilitate synchronized engagement of the guide clamps.

40. **Regarding claim 14**, Hayrinen is further silent concerning a safety cable.

41. Darwent et al. further teaches a safety cable 11 connected to the guide clamp linkage 89 for actuation of actuating arms.

42. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a guide clamp assembly including a safety cable as taught by Darwent et al. to the central beam of the hydraulic elevator disclosed by Hayrinen to immobilize the elevator car to prevent downward drifts due to hydraulic fluid leaks and

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provide the elevator car with a safety brake should the car over speed in the downward direction.

43. **Regarding claim 15**, Hayrinen further discloses a pair of guide shoes 18 to engage the elevator guide rail system 5 but is silent concerning the pair of guide shoes connected to guide clamps.

44. Darwent et al. further teaches a pair of guide shoes 23 connected to each of the guide clamps 47 to engage the elevator guide rail system 25.

45. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a pair of guide shoes disclosed by Hayrinen to the guide clamps taught by Darwent et al. to facilitate the guidance of the elevator and guide clamp assembly on the guide rail system.

46. **Regarding claim 16**, Hayrinen discloses a hydraulic elevator repair safety platform although not a hydraulic elevator repair safety platform for temporary installation on an elevator car per se, Hayrinen has all the structure set forth in the claims. The intended use in the preamble adds no patentable weight to the claims.

47. Hayrinen discloses a hydraulic elevator repair safety platform comprised of an elongate central beam 12 having a first end and a second end.

48. Hayrinen further discloses a first end portion, shown in Figure 2 as the left end portion of the beam attached to the car frame, disposed on the first end of the beam 12, shown in Figure 2 as the left end of the beam 12, and adapted to be connected to an elevator car; a second end portion, shown in Figure 2 as the right end portion of the beam attached to the car frame, disposed on the second end of said beam, shown in

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Figure 2 as the right end of the beam 12, and adapted to be releasably connected to the elevator car and removed after a repair operation due to tie bolts 17.

49. Hayrinen is further silent concerning a pair of guide clamps adapted to be received by an elevator guide rail system.

50. Darwent et al. further teaches a pair of guide clamps 47 adapted to be received by an elevator guide rail system 25, one of the guide clamps 47 connected to a first end portion and another of the guide clamps 47 connected to the second end portion.

51. Darwent et al. further teaches each of the guide clamps 47 having an actuating arm 87, 95, whereby when the central beam 21 is temporarily connected to the elevator car 16 normal operation of the elevator car 16 is prevented and the actuation of the actuating arm 87, 95 of each of the guide clamps 47 causes the guide clamps 47 to grip the guide rail system 25 which facilitates immobilization of the elevator car 16.

52. Darwent et al. further teaches a guide clamp linkage 89 linking said actuating arms 87, 95 to provide a simultaneous actuation of the actuating arms 87, 95.

53. Darwent et al. further teaches a cable 11 operatively connected to the guide clamp linkage 89 to cause actuation of the actuating arms 87, 95 in response to a downward movement of the elevator car.

54. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a guide clamp assembly as taught by Darwent et al. to the central beam of the hydraulic elevator disclosed by Hayrinen to immobilize the elevator car to prevent downward drifts due to hydraulic fluid leaks and provide the elevator car with a safety brake should the car over speed in the downward direction.

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55. **Regarding claim 18**, Hayrinen further discloses a pair of guide shoes 18 to engage the elevator guide rail system 5 but is silent concerning guide shoes connected to guide clamps.

56. Darwent et al. further teaches a pair of guide shoes 23 connected to each of the guide clamps 47 to engage the elevator guide rail system 25.

57. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a pair of guide shoes disclosed by Hayrinen to the guide clamps taught by Darwent et al. to facilitate the guidance of the elevator and guide clamp assembly on the guide rail system.

58. Claim(s) 3 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayrinen U.S. Patent No. 5411117 in view of Darwent et al. U.S. Patent No. 3768597 as applied to claim 1 above, and further in view of Chapelain et al. U.S. Patent No. 5035300.

59. **Regarding claim 3**, Hayrinen is further silent concerning an adjustably connected first and second end portion.

60. Chapelain et al. teaches a first end portion 3 adjustably connected to a first end of a beam 1 and a second end portion 3 is adjustably connected to a second end of said beam 1 for selectively varying a distance between said first and second end portions 3.

61. It would have been obvious to one of ordinary skill in the art at the time of the invention to adjustably connect first and second end portions taught by Chapelain et al. to the first and second end of the beam disclosed by Hayrinen to supply means to adapt to various elevator cars.

62. **Regarding claim 17**, Hayrinen is further silent concerning an adjustably connected first and second end portion.

63. Chapelain et al. teaches a first end portion 3 adjustably connected to a first end of a beam 1 and a second end portion 3 is adjustably connected to a second end of said beam 1.

64. It would have been obvious to one of ordinary skill in the art at the time of the invention to adjustably connect first and second end portions taught by Chapelain et al. to the first and second end of the beam disclosed by Hayrinen to supply means to adapt to various elevator cars.

65. Claim(s) 9 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayrinen U.S. Patent No. 5411117 in view of Darwent et al. U.S. Patent No. 3768597 as applied to claim 1 above, and further in view of Mizuno JP Publication No. 04-341478.

66. **Regarding claim 9**, Hayrinen discloses rigging members 17 attached to channel sections 27 but is silent concerning rigging members including U-bolts and retaining rod.

67. Mizuno teaches rigging members include U-bolts 14 attached to channel sections 5 and to retaining rods 13 extending between the channel sections 5.

68. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the channel sections disclosed by Hayrinen with U-bolts attached to channel sections and to retaining rods extending between the channel sections to facilitate the connection between the channel sections of the beam.

***Response to Arguments***

69. Applicant's arguments filed 07/07/2006 have been fully considered but they are not persuasive.

70. In response to applicant's argument that "none of the references cited by the Examiner concern a repair safety platform used to protect maintenance persons working in an elevator shaft during operation" all the reference's repair safety platforms cited are capable of being used to protect maintenance persons working in an elevator shaft during a repair operation.

71. In response to applicant's argument that "the Hayrien arrester is not actuated by downward movement of the elevator car as defined by Applicant's claims" the teachings of Darwent et al. was provided for the teachings regarding the guide clamp assembly as well as the teachings of the guide clamp assembly adapted to be actuated by a downward movement of the elevator car, Paragraph 8.

72. In response to applicant's argument that "the safety does not prevent normal operation of the elevator car and is not used during a repair operation" a brake is capable of preventing normal operation of an elevator car and capable of being used during a repair operation.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Pico whose telephone number is 571-272-5589. The examiner can normally be reached on 6:30AM - 3:00PM M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Matecki can be reached on 571-272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EEP

A handwritten signature in black ink that reads "Kathy Matecki". The signature is written in a cursive, flowing style.

**KATHY MATECKI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600**